

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK- - - - -
LEIGH DYER BENNETT,

Plaintiff,

- against -

NCO FINANCIAL SYSTEMS, INC.,

Defendant.
- - - - -

: 11 Civ. 3273 (LTS) (JCF)

: REPORT AND
: RECOMMENDATION

: DOCUMENT

: ELECTRONICALLY

: DOC #:

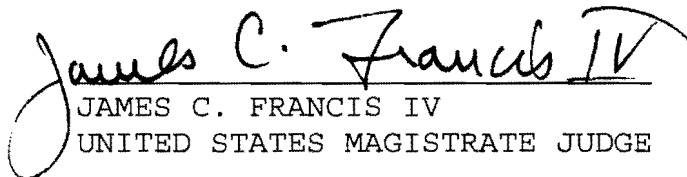
: DATE FILED 3/27/12

TO THE HONORABLE LAURA TAYLOR SWAIN, U.S.D.J.:

The complaint in this action was filed on May 5, 2011, and an order of service was issued on August 12, 2011. However, service on the defendants was never effected. By letter dated January 3, 2012, I advised the plaintiff to submit within two weeks a letter setting forth any reasons why the action should not be dismissed. The plaintiff responded, indicating that she had not pursued her case because of "discombobulation and disheartenment." I then extended her time to effect service until February 29, 2012. (Memorandum Endorsement dated January 19, 2012). However, service has still not been made. I therefore recommend that the complaint be dismissed without prejudice under Rule 4(m) of the Federal Rules of Civil Procedure. Pursuant to 28 U.S.C. § 636(b)(1) and Rules 72, 6(a), and 6(d) of the Federal Rules of Civil Procedure, the parties shall have fourteen (14) days from this date to file written objections to this Report and Recommendation. Such

objections shall be filed with the Clerk of the Court, with extra copies delivered to the chambers of the Honorable Laura Taylor Swain, Room 755, and to the chambers of the undersigned, Room 1960, 500 Pearl Street, New York, New York 10007. Failure to file timely objections will preclude appellate review.

Respectfully submitted,


JAMES C. FRANCIS IV
UNITED STATES MAGISTRATE JUDGE

Dated: New York, New York
March 27, 2012

Copies mailed this date:

Leigh Dyer Bennett
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